HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.14194 of 1998

Dated 29th day of March, 2007

Between:

N.R.R.Puram Government Class IV
Employees, Driver and other Low-paid Employees
Cooperative Housing Society Ltd., Hyderabad
rep. by its president, K.Anjaiah ..
Petitioner

And

The Special Officer-cum-Commissioner,
Municipal Corporation of Hyderabad,
Hyderabad
and four others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 3rd respondent in allotting the land of an extent of Ac.0.02 guntas belonging to the petitioner-society in S.No.127, situated at Yousufguda, Hyderabad, to the 1st and 2nd respondents, as arbitrary and illegal.

The brief facts of the case are that the petitioner-society consists of 2634 members and the Government, in its G.O.Ms.No.1194, dated 18.12.1974 and G.O.Ms.No.1014, dated 26.3.1981, allotted Ac.61.20 guntas of land in S.No.127 situated in Yousufguda to the petitioner on payment of market value. After the market value was paid by the petitioner, the then Tahsildar handed over physical possession of the entire extent of land and the petitioner-society constructed 1407 houses in it and allotted them to its members on priority basis. Now, the petitioner's grievance is that the 3rd respondent, without issuing any notice to it, allotted Ac.0.02 guntas of land in question out of Ac.61.20 guntas to the 1st and 2nd respondents, who are trying to construct Social Welfare Hostel, a Health Center and a School by dispossessing the petitioner-society from the land in question.

Heard the learned counsel for both the parties.

A detailed counter is field wherein almost all the facts narrated by the petitioner-society are admitted, but according to the respondents, though the petitioner is entitled to only Ac.61.20 guntas of land, actually, its members are in physical possession of Ac.65.33 guntas, and thus, it necessitated the respondents to take back the

excess Ac.4.13 guntas of land.

As there is a dispute with regard to the extent of land that was given to the petitioner-society, this Court deems it appropriate to direct the respondents particularly the 3rd respondent-District Collector to issue a notice to the petitioner-society with regard to the measurements of the land in question and the measurements or survey shall be done by a competent surveyor in the presence of the petitioner-society. If ultimately it is found that the entire extent is Ac.65.33 guntas, it is open for the Government to take back excess land i.e. Ac.4.13 guntas. However, it is made clear that having regard to the fact that an extent of Ac.61.20 guntas was allotted to the petitioner-society, it must be given to it. It is also made clear that the petitioner-society, in all aspects, shall cooperate with the proposed survey to be conducted by the respondents. Having regard to the fact that this Court, on 24.6.1998, granted status quo, the same shall be maintained during the pendency of this exercise.

The writ petition is disposed of in terms of the above direction. No costs.

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29.03.2007

bcj